**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION No.23885 of 2005**

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**Dated:09.11.2005**

Between:

M.V.Appa Rao, S/o.Ramana,
R/o.H.No.10-38-2, Parvathi Enclave, Ramnagar, Visakhapatnam,

and others.

**..... PETITIONERS**

AND

Visakhapatnam Municipal Corporation, Rep by its Commissioner,

Visakhapatnam.

**.....RESPONDENT**

**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION No.23885 of 2005**

**ORDER:**

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The three petitioners allege that the respondent is attempting to demolish the three shop rooms constructed in the stilt floor of the residential complex called Parvathi Enclave, Ramnagar, Visakhapatnam. Therefore, they seek appropriate direction to the respondent not to take any coercive steps without following due process of law.

At the stage of admission itself, Sri N.Ranga Reddy, learned Standing Counsel for Visakhapatnam Municipal Corporation, after obtaining instructions, submits that the writ petition is filed on a mere apprehension and the allegations are not true.

Therefore, this writ petition is filed on a factual foundation, which is baseless and on a mere apprehension. However, it is observed that if the construction of shops in the stilt floor is illegal, it is open to the respondent Corporation to follow the due process of law under the Hyderabad Municipal Corporations Act, 1955, before taking any action against the petitioners.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

09.11.2005

vs